

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

TIMOTHY WOGERD,

Petitioner, : Case No. 2:18-cv-104

- vs -

District Judge Michael H. Watson
Magistrate Judge Michael R. Merz

LYNEAL WAINRIGHT, Warden,
Marion Correctional Institution

Respondent.

DECISION AND ORDER

This habeas corpus case is before the Court on Petitioner's "Objections to Magistrate Judge's Supplemental Report and Recommendations" (Doc. No. 33). The document was received by the Clerk on January 28, 2019. Based on Woogerd's Certificate of Service, the Court takes January 22, 2019, as the date the document was deposited in the prison mail system and therefore its effective date of filing under *Houston v. Lack*, 487 U.S. 266 (1988).¹

The Supplemental Report and Recommendations to which the Objections apply was filed and served on October 30, 2018 (ECF No. 27). Woogerd was notified in the Supplemental Report that his time to file objections would expire seventeen days thereafter or on November 17, 2018. *Id.* at PageID 2397. He did indeed file Objections to the Supplemental Report November 15, 2018 (ECF No. 28, PageID 2407).

¹ Although Woogerd claims it was sent by certified mail on January 22, 2019, the envelope in which it was received shows it was sent by ordinary mail (ECF No. 33-2).

On January 8, 2019, Petitioner sought leave to expand his objections. but the Court denied that Motion (ECF Nos. 31, 32). Now Petitioner has filed further Objections without court permission.

Fed. R. Civ. P. 72 sets a limit of fourteen days on time for objections, extended to seventeen days when served by mail. But the Rules of Civil Procedure do not permit a litigant to expand that time merely by filing late.

The instant Objections (ECF No. 33) are STRICKEN.

January 28, 2019.

s/ *Michael R. Merz*
United States Magistrate Judge